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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ROBERT PAUL,

11 Plaintiff,

No. CIV S-04-1589 DFL GGH P

12 vs.

13 T. GUZMAN, et al.,

14 Defendants.

FINDINGS & RECOMMENDATIONS

15 _____/
16 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to
17 42 U.S.C. § 1983. The court has separately issued an order addressing the second amended
18 complaint filed March 8, 2006. In this order, the court found that the second amended complaint
19 failed to state a colorable claim for relief against defendant Carey. For the reasons stated in that
20 order, the court now recommends that the claims against defendant Carey be dismissed.

21 Accordingly, IT IS HEREBY RECOMMENDED that the claims against
22 defendant Carey be dismissed.

23 These findings and recommendations are submitted to the United States District
24 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
25 days after being served with these findings and recommendations, any party may file written
26 objections with the court and serve a copy on all parties. Such a document should be captioned

1 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
2 shall be served and filed within ten days after service of the objections. The parties are advised
3 that failure to file objections within the specified time may waive the right to appeal the District
4 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: 6/23/06

/s/ Gregory G. Hollows

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7 GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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